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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,257	11/26/2001	Martin Andrew Schlosser	35015/002	8623

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EXAMINER

COZART, JERMIE E

ART UNIT	PAPER NUMBER
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3726

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/994,257	Applicant(s) SCHLOSSER ET AL.	
	Examiner Jermie Cozart	Art Unit 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12-19,23-27 and 30-51 is/are pending in the application.
- 4a) Of the above claim(s) 34-49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,16,32,33,50 and 51 is/are rejected.
- 7) ☒ Claim(s) 3-10, 12-15,17-19,23-27,30 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the Appeal Brief filed on June 13, 2005, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Objections

2. Claims 1, 3-10, 12-19, 23-27, 30-33, 50, and 51 are objected to because of the following informalities: In claim 1, line 6, it is suggested to insert - - (polytetrafluoroethylene)- - after PTFE, and insert - -(perfluoro-alkoxy-polymer)- - after "PFA". Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 16, 50, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sipin (4,559,833) in view of Van der Pol (5,918,285).

Sipin discloses manufacturing a Coriolis flowmeter adapted to extend a received process material flow having an ultra high level of purity free from contamination due to ion transfer from the Coriolis flowmeter to the process material. Sipin discloses a flow tube means (72) coupled to a base (74), a driver (84) affixed to the flow tube means (72) pick-off means (86) coupled to the flow tube means, and inlet and outlet ends of the flow tube means affixed to at least one process connection (76, 78). The process connections are coupled to the base (74) via the flow tube means (72). *See column 6, lines 1-15, and figure 9 for further clarification.*

Sipin, however, does not disclose the flow tube means being formed entirely from PTFE or PFA, or the process connection being formed from PTFE or PFA.

Van der Pol discloses forming a flow tube means (4) entirely from PTFE or PFA. *See column 4, lines 29-32 for further clarification.*

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to form the flow tube means of Sipin including the process connections entirely from PTFE or PFA, in light of the teachings of Van der Pol, in order to effectively keep the process material free from contaminants.

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5. Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sipin/Van der Pol as applied to claim 1 above, and further in view of Bitto et al. (US 6,711,958 B2).

Sipin/Van der Pol as modified above discloses all of the claimed subject matter except for affixing a temperature sensing device to the Coriolis flowmeter, or the step of affixing comprising affixing a resistance temperature measuring device to the Coriolis flowmeter.

Bitto discloses affixing a temperature sensing device (9) to the Coriolis flowmeter (1), wherein the device is a resistance temperature measuring device (i.e. platinum resistance element). *See column 11, lines 1-7 and figures 2-3 for further clarification.*

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to affix a temperature sensing device such as resistance temperature measuring device to the Coriolis flowmeter of Sipin, in light of the teachings of Bitto, in order to effectively measure the current temperature of a fluid.

Allowable Subject Matter

6. Claims 3-10, 12-15, 17-19, 23-27, 30, and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments, see Appeal Brief pages 6-9, filed 6/13/05, with respect to the rejection(s) of claim(s) 1, 7-10, 12-19, 23, 24, 26, 27, 30-33, 50, and 51 under Sipin in view of Cucci have been fully considered and are persuasive. Therefore, the

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rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Sipin in view of Bitto.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references cited on the attached PTO-892 are cited to show Coriolis Flow Meters.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermie Cozart whose telephone number is 571-272-4528. The examiner can normally be reached on Monday-Thursday, 7:30 am - 6:00 pm.

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11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bryant can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David P. Bryant
Primary Examiner



JC

September 6, 2005